property, the money value, as I understood from the Diwan Peishkar, is for *Verumpattom* land Rs. 2 for a property worth Rs. 100. The Jenmi will have to incur 15 times the Sirkar Revenue, that is, Rs. 30. So, in order to recover the properties, he will have to pay Rs. 30.

With regard to the system in Travancore, except with regard to the rates, it is ten times the gross receipts minus Sirkar Revenue multiplied by ten. Here it is only rent, annual rent multiplied by 15. I do not think there is much difference.

Mr. C. A. Kunjunni Raja.—In British India?

Mr. K. Achyuta Menon.—For recovery of land leased, it is not five times the revenue. For the recovery of the movable property, it is only five times the rent, so that our court fee is not five times the annual rent. Ours, based on leases, is five times, but if the property is not held on lease, then fifteen times.

President.—Mr. Kunjunni Raja, you can exercise the right of reply.

Mr. C. A. Kunjunni Raja.—If the Government is going to consider the matter, I do not wish to move the Bill.

President.—It has not come to any definite stage. I do not think we have taken up the question.

Mr. C. A. Kunjunni Raja.—From the observations made by the Government, I could understand what is the objection to the Government.

Mr. K. Achyuta Menon.—The Government is opposing the Bill.

Mr. C. A. Kunjunni Raja.—I beg leave of the Council to withdraw the Bill.

President.—The question before the House is whether leave be granted to Mr. C. A. Kunjunni Raja to withdraw the Bill.

(*The motion was put to the vote and carried.*)

A Bill to amend the Cochin Chief Court Regulation.

President.—The next item of business is the Bill standing in the name of Mr. C. A. Kunjunni Raja.

Mr. C. A. Kunjunni Raja.—I move for the introduction of a Bill to amend the Cochin Chief Court Regulation.

Mr. N. Padmanabha Menon.—I second it.

Mr. C. A. Kunjunni Raja.—This Bill, Sir, was opposed, contrary to the convention established in this House, even when leave to introduce it was sought last time.

All the reasons have been advanced at length then, and I do not think I can usefully add anything more to what I have already said then. I will only read one passage from a reply given by His Excellency the Governor of Bihar and Orissa

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when a claim was made for the representation of a Muhammadan Judge in the High Court of Patna.

In reply to the address of Welcome presented by the Dharbangha Muhammadan Association, His Excellency the Governor of Bihar and Orissa said:—"When you state that the Government have recognised the necessity of a Muhammadan Judge on the Bench of the Patna High Court, I think you rather over-state the facts. I sympathise with your desire that there should be a Muhammadan Judge, but not because he is a Muhammadan. Judges are selected ultimately with a view to the decision of cases and not to represent communities, and the only ground on which a Muhammadan should be appointed is that he strengthens the court."

I am sure this is a very wise suggestion to be followed. If all communities in Cochin are to be favoured with reserved appointments, I do not know why the Ezhuva, which is as strong as the Christian, should not have a judge reserved in the Chief Court. The Nairs are also equally strong in number, and why not reserve a judgeship for the Nairs? The Brahmins, though their number may not be equally strong, are intellectually equal to, if not higher than, any other community, and why not reserve a judgeship to them also?

Mr. A. B. Salem.—What about Jews?

Mr. C. A. Kunjunni Raja.—Oh, yes. For every community you can have one.

President.—The Bill being moved and seconded, the principle of the Bill is open for discussion.

Mr. George Chakkyamuri.—Sir, I rise to oppose this Bill, which I am constrained to characterise as a mischievous piece of legislation, calculated to accelerate the existing communal tension in the State. The Bill purports to take away from the 2½ lakhs of His Highness' Christian subjects a right, which has been established by long and continued usage from time immemorial, and which has acquired the sanctity of legislative sanction in the year 1076 M. E. Although the question is only one that directly concerns the rights of the Christian subjects of His Highness, I would appeal to each and every Member of this Honourable House to approach this question from an impartial standpoint, as it is a question that involves important and comprehensive principles.

Permit me, Sir, at the very outset to congratulate the Hon'ble Member for the Jenmies for the very excellent and laudable principles enunciated in the preamble to his Bill. "That no person should be a gainer by reason of his religion" is the ideal for the attainment of which every Christian politically

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minded subject of His Highness has striven in the past, and it is no secret to this House that that is the ideal for which my humble self and every one of my Christian colleagues have been standing for from the very inception of this House. If, to-day, the Government of Cochin, which now assumes an attitude of benevolent neutrality, because the present measure affects only the Christians of the State, can honestly tell me, searching their conscience and fixing their eyes on the motto that they print in every page of their official paper, that "Honour is our family treasure," that nobody in our benighted State has ever benefited anything in the past, and shall benefit anything in future by virtue of his birth and religious persuasion, then I can assure the Hon'ble Member for the Jenmies that he can be sure of my vote in support of this Bill. But history, both recent and old, has taught me to think otherwise. The little experience that I have gained by sitting in the Councils of the Government for the last three years has convinced me beyond doubt that birth and religious persuasion have everything to do in the matter of preferment in the service of our State, and that the powers that they would resist their utmost-power passing, into the hands of anybody except the caste-Hindu. I have made these statements most deliberately and shall illustrate them presently. If that be so, I ask the Member for the Jenmies whether it sits gracefully in his mouth when he is invoking the aid of this high philosophy to deprive the Christians of a paltry privilege, which they have been enjoying from time immemorial. To me it sounds like Shakespeare's devil quoting Scriputre for his purpose.

If, to-day, standing in this very House, I demand immediate admission of Christians into the State Military, I ask the Government of Mr. Narayana Ayyar whether they would play the same role of neutrality as they are doing now, and yet am I not justified in making the demand in the name of all civilized canons of morality and good government, as long as a pie of Christian money is utilised for the maintenance of our State Military? If, to-day, I demand that all *Oottupuras* in the State should be abolished, and that all privileges given to the Brahmins on all State functions and festivals should be stopped forthwith, I wonder if the Government of Mr. Narayana Ayyar would maintain the same attitude of neutrality which they are doing to-day, and yet am I not entitled to make the demand as long as Christian money is made use of for this purpose ?

President.—Why should you name particular persons ? Don't name persons. Address it as Government.

Mr. George Chakkyamuri.—You have been telling us that you are the person responsible for all actions of the Government

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Mr. A. B. Salem.—It will be only an honour, Sir. (*Laughter.*)

Mr. George Chakkyamuri.—Sir, even after repeated representations being made in this House, do you not still close a portion of your public road in Trippunittura against the non-caste-Hindu,—roads-maintained as much with the non-caste, Hindu's money as with the caste-Hindu's. In the realm of appointments, instances of persons gaining preference by virtue of their birth and religious persuasion are too many to mention. Is it not a matter of flagrant injustice to the other sections of His Highness' subjects that even to-day the caste-Hindu is monopolising 75% of higher appointments, and a little smaller percentage of lower appointments, although they are only 18% strong in the State?

President.—That is not the principle under discussion. Here we are concerned only with a certain legislation.

Mr. George Chakkyamuri.—I will give out my argument in the end. I have got an argument to be addressed basing on these facts.

President.—It must have some bearing on the discussion. Here the point to be discussed is whether a certain provision should be deleted, that is, whether one of the Judges of the Chief Court should be a Christian. Why should you say that in other places other things are taking place?

Mr. George Chakkyamuri.—It is an every-day happening in Cochin. I say there are many in Cochin who are gaining by virtue of their religion, and the basis of this Bill is that no one shall be a gainer by virtue of his religion.

President.—You may bring any clause or povision.

Mr. George Chakkyamuri.—I have got an argument based on these facts, and that is why I have touched upon this topic.

President.—I do not know how far these facts have got relevancy.

Mr. George Chakyamuri.—Sir, why to drag on this unpleasant story, which have been repeated, time without number, on the very floor of this House? We, the Christians and the other less favoured people of the State, have been watching with considerable interest the various games at appointments that have been going on in recent years, sometimes in perfect amusement and sometimes in great despair. We have watched with the greatest amusement the quickness with which the post of a Mechanical Engineer sprang up when Mr. V. K. Aravindaksha Menon returned from America, and the magic with which the same post disappeared when Mr. Aravindaksha Menon was otherwise provided for as the Chief Engineer of the State on a

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salary of Rs. 800 at the early age of 26 when many of us were at our desk preparing for our examinations. And yet does the Government believe that we, the Christian subjects, have not realised the significance of all these manipulations? I once more offer my hand of fellowship to the Hon'ble Member for Jenmies and promise him my vote, if he or the Government can give me absolute guarantees that games like this will not be repeated in future. Sir, the only argument from all these illustrations is that equity and fairness, common to the caste-Hindu and to the Christian, demand that Mr. Raja's high philosophy should first be invoked to undo these patent iniquities before anybody seeks to abolish the reservation of one post for a community that is over 2½ lakhs strong in the State, and I sincerely believe that even the Hon'ble Member for the Jenmies will bear with me when I say that the numerical, the educational and other position of the Christian community in the State entitle them to one of the three places in the Chief Court whether, technically there is this statutory provision or not. If that be so, I would regard it more valiant for Mr. Raja to fight the realities that I have mentioned above rather than waste his energies over a mere shadow, simply because Christians by themselves may be helpless in this Council.

To push Mr. Raja's high philosophy to its logical conclusions, if it is improper for the Christians to have a seat reserved in the Chief Court, is it not equally, if not more, improper to have a seat reserved for the wealthy and influential class for Jenmies in our Legislative Council?

Dr. A. G. Menon.—A seat is reserved for the representative of the Jenmies and not for any caste or religion.

President.—Suppose a non-caste-Hindu is nominated as the Member to represent the Jenmi Constituency?

Mr. George Chakkyamuri.—There is not a single Christian voter in the Jenmi Constituency.

President.—Do you say that there are no Jenmies among Christians?

Rao Sahib Mr. T. V. Kasturi Ranga Ayyar.—There are one or two Jenmies.

Mr. A. B. Salem.—A European also may be a Jenmi.

Mr. George Chakkyamuri.—I have not heard of a European Jenmi till now. Sir, is not this reservation opposed to all canons of sound democracy? Experience has told us beyond doubt that the Jenmies, who are the most influential class of people in the land, can come into our Council from more sources than one, if they care to do so. The spectacle of three Members from the family of Ambat, one of the premier Jenmies in

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the State, sitting in this House along with two others who are equally well known Jenmies of the State, representing general constituencies, should convince any sane government the extreme absurdity of reserving a berth for the Jenmies in our Council, and yet when the hour of test came, did not the Government of Mr. Narayana Ayyar think it more proper to abolish the only commercial seat in this House—a seat represented by a Christian—and having a vast majority of Christian votes?

Dr. A. G. Menon.—I thank the Hon'ble Member for Pallivirutti for giving the compliment. But for us the seats were not reserved.

Dr. A. R. Menon.—We come here by our character.

Mr. O. R. Chummar.—Is it that the Jenmies also cannot come in by their character?

Dr. A. R. Menon.—Oh yes, they also can come in.

Mr. George Chakkyamuri.—I wonder what attitude the Government will take, and whether my friend, Mr. Raja, will stick to his high philosophy, if, to-day, I move for the abolition of this unjust and unfair reservation.

There is yet another more important argument for the retention of this provision in the Chief Court Regulation. Every one of the Hon'ble Members present here will agree with me when I say that the Chief Court is the most potent factor in the development of law in the land, and that Christianity is a world force that has for centuries contributed a good deal towards the development of healthy systems of jurisprudence in all lands If this be conceded, I maintain that the retention of this provision in the Chief Court Regulation is a matter of absolute necessity from the point of view of public interest. It is not for me to detail the various contributions that Christianity has made in the past towards development of sound principles of law in all countries of the world. Suffice it to say that, if principles of Christian morality and justice have in the past succeeded in penalising the barbarous system of *Sathi*, a practice that was being calmly tolerated by the Hindu system of jurisprudence, and in abrogating the doctrine of eye for eye, tooth for tooth, advocated by the Mohammadan legal systems, there is ample justification in maintaining that there should always be a Christian on the Chief Court Bench, so that principles of Christian morality and justice may continue to influence the development of law in our land, particularly when much of our law is still unwritten, and when nearly 28% of the population of the State is Christian.

Mr. A. B. Salem.—I do not agree, Sir.

Mr. George Chakkyamuri.—It is because you have yet to learn much.

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Mr. O. R. Chummar.—You will agree with nobody.

Mr. A. B. Salem.—"Eye for eye, tooth for tooth and hand for hand". That was the Jewish legal system and not a Muhammadan system.

Mr. George Chakkyamuri.—Thank you. I am much indebted to you for the correction, and if the cap fits you, you take it. Sir, I have said enough in raising my words of protest against this measure, and I conclude, with the sincerest assurance to my friend, the Member for Jenmies, that I shall be the first person to render my whole-hearted support to his measure, when I am convinced that the Government of Cochin have themselves learned to act up to the high ideals set up by him.

Mr. C. A. Kunjunni Raja.—Government is not acting up to the ideal?

Mr. George Chakkyamuri.—No, it is not.

Mr. T. A. Ramachandra Ayyar.—On a point of information, Sir. Is there such a Regulation in Travancore?

Mr. C A. Kunjunni Raja.—Nowhere in the world is there such a Regulation.

Mr. A. B. Salem.—Sir, I rise to support the Bill. There is no reason whatsoever why, that in the House of Justice, where the judges are appointed after having shown their capacity to do justice evenly, a reservation should be made. The very reservation will tell you that you do not trust the judges who are appointed to meet out justice to all classes of people. If that is so, it will be a bad state of affairs. So, on principle, nobody, who goes into the Chief Court or into any court of justice, should be appointed, unless the Government is satisfied that the Judge's honesty of purpose and fairness in meting out justice is absolutely assured. Under such circumstances, it is too late now to say that any reservation should be made. I say, Sir, that the Chief Court is not a place to make laws. The Chief Court is only to administer the laws as they find it, and no one should be able to prejudice it on behalf of a particular class, because he is appointed from that particular class. If it is to look after the interest of a particular class that the judges are appointed in the highest court of the land, then woe be the day, if they continue that any further. I am not standing here to say that a particular post should be reserved to a particular class. I am one with the Hon'ble Member for Pallivirutti when he says that the Military of the land should be open to every citizen. I am one with him to say that no political appointment of any kind should be reserved to any particular caste.

Mr. O. R. Chummar.—Should any seat be reserved in the Council?

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Mr. A. B. Salem.—It need not be reserved. As far as I am concerned, I am not very particular that I should be a Member of this Council. Then the Hon'ble Member referred to choultries. I have no objection, if all the Christians in the land are fed free at the cost of the Government, and I have also no objection, if you will feed us also free.

President.—For *Oottupura* feeding the funds come out of Devaswams.

Mr. A. B. Salem.—Devaswam itself is out of our control.

Mr. M. K. Raman.—During *Utsavam* time, are not Brahmins fed?

Mr. George Chakkyamuri.—It is public money, and it should be extended to all.

Mr. A. K. Vengu Ayyar.—Poor people are also fed.

Mr. A. B. Salem.—No one should be a loser by reason of his caste or religion. This is also a proposition which I lay down for the edification of this House. No one should be a gainer by reason of his caste or religion. Christians to-day are gainers by one appointment. The Hindus also are gainers by another appointment. We, the minors, are losers by reason of our caste and religion. The country has not developed that political consciousness for the purpose of giving everybody that right as a citizen of the country. I have had experience of knowing that, out of the many elections in Ernakulam, neither a Christian nor a Hindu votes for a minority community in preference to his own creed or caste man. This is the condition of affairs to-day in Cochin politically. I challenge the Hon'ble Member for Pallivirutti to say whether it was not for election purposes that he placed on the floor of this House that I was responsible for the cremation ground to be located near a Christian church (*hear, hear*). When election was pending in Ernakulam he and myself were candidates for the same.

Mr. O. R. Chummar.—Can the Hon'ble Member attribute a motive?

President.—He only draws an inference.

Mr. A. B. Salem.—I approached the Hon'ble Member for Pallivirutti to withdraw the charge made against me by my question this morning, and I got nothing.

President.—He was not here.

Mr. A. B. Salem.—I saw him in the gallery, and he could have very easily withdrawn it. I have taken a great deal of trouble to put such searching questions.

Sir, statements have been made in this House which cannot be borne out by facts. The first statement is that courts of law have been made to give a turn to law by the religion to which

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my Hon'ble friend the Member for Pallivirutti belongs. Sir, I say to you without hesitation that it is not a fact. Sir, if you only know the history of Europe, which is called Christian country, you will find, Sir, that every day pogroms are committed on the continent in many places, which perhaps my learned friends here of the Christian community do not know.

Rao Sahib Mr. T. V. Kasturi Ranga Ayyar.—We should, as far as possible, avoid discussion on religious matters.

President.—It should be avoided. We shall stop discussion about religion.

Mr. A. B. Salem.—I would have gladly avoided it but for the pointed reference made, viz., "eye for eye, tooth for tooth and hand for hand". It is from the Bible. I shall tell you how the cap fits you and not us.

President.—All religions must be considered sacred, and we do not want to say anything about them. No one religion is inferior to another.

Mr. A. B. Salem.—I do not want to wound anybody's feelings at all, neither religious nor any other kind of feeling. This is a misapprehension which my Hon'ble friend has, and I want to remove it. The law 'hand for hand, eye for eye and tooth for tooth' is only intended to show the measure of compensation to be awarded, viz., it shall not be anything in excess to the injury that has been committed upon the injured. If an eye is injured, take away only an eye as a compensation, and do not cut away his throat. There have been cases where, for minor offences committed, heavier punishments have been awarded on account of the classes to which the offender or the offended belonged.

Rao Sahib Mr. T. V. Kasturi Ranga Ayyar.—It is not done now.

Mr. A. B. Salem.—I say in the past.

Mr. S. F. Nunez.—I am afraid my Hon'ble friend is going outside his point.

Mr A. B. Salem—Therefore, such kinds of matters should not be brought on the floor of this House. The next point raised is this. They say that, out of the 28 per cent of the population, we get only this one seat reserved. I had a memorandum sent by the same Ezhuva Member, whose community number about 27 per cent of the population. In a list attached thereto I find that Rs. 9,219 per month is drawn by Christian officers in the State, (drawing above Rs. 100) and only about Rs. 95 per month by the Ezhuva friend, and none by the Jewish friends.

President.— What is their percentage?

Mr. A. B. Salem.—Below zero point, Sir.

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President.—What is the percentage of the total Jewish population?

Mr. A. B. Salem.—One in thousand. It does not matter, Sir. For centuries we have been here, and have been paying taxes to the Government. But we have no complaint, and we have not come forward for the reservation of any seat; and we are always glad to stand upon our own legs and fight as citizens of Cochin. We do not ask for any privilege to be given to us in the matter of preferment to offices, except that which you can give us in recognition of our merit, our honesty of purpose, our integrity and our learning (*hear, hear*). I am not standing here in this House to request for any special privilege for our community like the Hon'ble Member for Pallivirutti. Then let me come to another point. What is the disparity due to? I do not know what pay you are going to give to Mr. John Kurian. I can assure my friends that, in the times to come, they will, with greater force, capture more appointments in the State by reason of the educational advancement and by the educational facilities that their people are affording to themselves. Therefore, no reservation of any of these posts is necessary, since the time has come for their educational advancement. I will tell you one or two sentences more and stop. There are certain appointments in the State reserved on account of special considerations, such as the post of the Sarvadhikariakar, Devaswam Commissioner, Inspectors, etc., which are only to be held by a caste-Hindu because he has to take part in ceremonial functions, as well. It will be absolutely impossible to send anybody else to that appointment. But, Sir, there is a feeling in the minds of many to the effect that these appointments are stepping stones to get higher appointments. For instance, the present Sarvadhikariakar has already been appointed as the District Judge of Trichur In the same way, gentlemen, such as Devaswam Inspectors, etc., by virtue of the pay they draw and the status they hold in *the Civil List*, can come through the back door to the regular appointment in supercession of others. Such back doors, I would request, should be closed, so that these appointments, which have some religious tinge attached to them, should be kept in water-tight compartments. They should not look for promotion in the regular Government Departments. In that case, we would be one to move for the support of this amendment. It is time for this statutory provision to go, and a mere convention to be kept in the mind of the Government. If you get equally competent men from the represented classes and equally competent ones from the unrepresented classes, select the latter ones, although I would long for the day when all these shall be one

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class—then the problem will be solved once for all. But till that time arrives, and till you feel satisfied that that time has arrived, when such persons from these unrepresented classes appear, and you can give it to the unrepresented classes, do so as it is your duty to treat all with an impartial mind. Nothing more I ask and nothing less do I want. With these words I support the Bill.

Mr. George Chakkyamuri.—Shall I make an explanation with regard to the statement made by the Member for Jews?

President.—You have got your right of reply.

Mr. George Chakkyamuri.—I wish to inform the House that when I made the statement here, I had not the least idea of wounding his feelings.

Mr. A. B. Salem.—I did not say you did. But I suspected.

Mr. George Chakkyamuri.—With regard to the statement, as my friend informs me that he is not personally responsible, I am sorry to make that statement. I found from the papers that his name was there and I used it most *bona fide*.

Mr. A. B. Salem.—I ask the Government to make the statement.

President.—We have nothing to do with the papers here.

Mr. C. A. Ouseph.—Sir, I feel extremely nervous in speaking on the motion under discussion. Unfortunately the discussion has turned on the religious differences of community, and community and feelings have risen to the highest pitch, so much so that even the iron nerves of the Member for the Jews have been severely shaken. It would have been very easy matter for me to declare from here that the Christians of Cochin have all along suffered great injustice at the hands of the Government in the matter of appointment to the services, that the blow would not be any the greater if the seat of the Christian Judge is taken off from the Chief Court Bench, and that would continue to progress as before in spite of all these adverse circumstances. But on principle I have come to this House to-day to raise my voice of protest, feeble though it be, against a piece of iniquity and injustice of the highest magnitude, which is attempted to be done to nearly 28 per cent of the loyal subjects of His Highness the Maharaja. Iniquity and injustice it has time and again been the lot of Christians to suffer under caste-Hindu States and caste-Hindu Governments, but the present iniquity and injustice surpass many of the past by reason of their being perpetrated in the name of principle and propriety. The Jenmi Member, indeed, passes for a lover of principle. He cannot bear the sight of provision

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in the Statute Book, which violates against the principle, that no man should stand to gain by reason of his religion. In his extreme love for principle, he does not open his eyes to the practice, whereby several individuals and communities have always stood to lose by reason of their religion. That religion and not qualification or efficiency has been the deciding factor in the matter of recruitment to the State Services may, at the first glance, appear an exaggeration. But a detailed examination of *the Civil List* of the State comes in as a bitter eye-opener. Ere this I had occasion to bring these facts and figures to the notice of the House. I may refer the House to the reports of the Council Proceedings, Vol. II, pages 872 to 877. The figures therein were prepared in 1101, but there has been very little change since then. Of the 597 appointments of over Rs. 50 a month, 480 were held by caste-Hindus drawing an aggregate salary of Rs. 5,84,856. Of those 234 appointments were held by Brahmins drawing Rs. 2,76,336 a year, though they are only 3 per cent, of the population. The Christians, numbering 28 per cent, held 101 appointments of the salary of Rs. 1,63,920 a year. The Ezhuvas came in only for 12 appointments of the yearly salary Rs. 12,550. This amount has been considerably reduced by Mr. Ayyakkutti's retirement. Muhammadans held 3 appointments of the value of Rs. 12,550 a year. Very soon the Commissioner of Police will have left the service and there will be very little drawn by members of that community after that event. The Christians, it is conceded, are not backward in education. They have money, and they are said to have influence. How is it then that their percentage in the State Service is so poor? I can account for it only by attributing it to their being handicapped by the religion they adhere to. Born of the same blood, more or less, as those around them, they have come to be looked upon as aliens on account of their foreign faith. In the face of these glaring inequalities in the matter of representation in the Public Services, in recruitment as well as in promotion, where is the impropriety in making a legal provision to reserve a seat for a Christian Judge in the Chief Court? If the provision is deleted, and the State continues to hold the same policy as was hitherto followed in the matter of recruitment and promotion to the State Services, I have no hesitation in declaring that there shall never more be any Christian Judge in the Chief Court, and that for all time it will be the privileged seat of a caste-Hindu trinity.

I may say just one word regarding the remarks of the Hon'ble Member for Jews that Judges have nothing to do with the making of laws. I may tell him that there is something called Judge-made law, and that Judge-made laws play a great

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part in the administration of justice. At a time when the Christian Succession Regulation was not in the Statute Book, our Chief Court held that, in the absence of well-established custom to the contrary, the principles of the Indian Succession Act must be taken to be the law regulating succession among the Christians in Cochin.

We are not new to reservations. From the highest rung of Governmental power to the lowest, there are several reservations. We have yet to hear of a Sarvadhikariakar and his staff who are not caste-Hindus. The Military is a close preserve for a few castes. The Devaswams and *Ottupuras* of His Highness can be looked after only by caste-Hindu officers of Government. And rising in this reserved line, without competition from others, they step in into the general services over the heads of others, whose inferiors they were not very long ago. Only the other day a demand was made for the appointment of caste-Hindu cooks in the hospitals of the State. How many tanks, wells and roads, which the tax-payers' money has gone to construct, have been reserved to the exclusive use of a few sections of the people. During the last budget session, we heard of roads for Pulayas and Valans, and only yesterday about schools for Pulayas, Nayadis, etc. The Legislative Council Regulation has provided special seats for the Ezhuvas, Muhammadans, Jews and the Jenmies. Does the Hon'ble Member for Jenmies think that such reservations are unnecessary? The problem all over India and in Cochin is how to hold the balance even between communities and communities. Various devices have from time to time been devised by the Government to achieve this end; and reservations of offices and of seats are some of such devices. And there is principle in making such reservations, for reservation is the only place where practice violates the principle that no man should stand to lose by reason of his religion.

The change sought for is not a pressing necessity. The only end aimed at by it is that the Statue Book may look nice, though, in the absence of the proviso, practice in recruitment may be stinking. We are on the eve of another general election. Let us not at this stage undertake measures which may throw the whole population into communal squabbles. I would appeal to the good sense of the Member to withdraw his Bill. I have only to tell him that the diseased needs a glass, the lame leg a crutch and those persistently kept out of service a reservation.

Mr. S. F. Nunez.—Though the Member for the Jenmies and myself happen to belong to the same party, the Progressive Party, there are more occasions than one on which I have differed from him.

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Mr. O. R. Chummar.—Is this a party question ?

Mr. S. F. Nunez.—No. Neither has my statement anything to do with it. We had occasion to differ on more occasions than one. I must say this much to the credit of the Hon'ble Member for the Jenmies that he has not brought this Bill from any communal point of view. I have had ample occasion to discuss the matter with him. This is well borne out from the further fact that a few years ago a move was directed to abolish the Christian Judgeship of the Chief Court. And if I understand right, that move did not come from any caste-Hindus. It came from the Christians themselves (*hear, hear*).—Mr. V. K. John. It is ridiculous on the face of facts that occurred only recently. Though the Bill has nothing to do with the Christians or the caste-Hindus, we have to consider the question on its own merits. I am afraid that, the Member for Chalakkudi and the Member for Pallivirutti, owing to their genuine Christian interest, went to the extent of clouding the issue on purely communal points. I was surprised to see a long array of figures quoted as regards representation in the State Service—so many Christians, so many caste-Hindus and so on. I do not know what this array of figures has to do with the question at issue. Is there a Christian Judgeship in the Chief Court simply because one more appointment should be given to Christians? Is it only as a consolation prize that we are claiming for the Christian Judgeship? So, as a consolation prize let this appointment be reserved. When the Regulation was passed, was it the spirit of those who passed such a Regulation ? It is not as a consolation prize that I consider the Christian Judgeship. I should consider that there is some more serious reason when the Christian Judgeship was reserved in the Chief Court. Now the reason is, as the Member for Chalakkudi pointed out, there is not only statutory law, there is Judge-made law also. There is the law evolved from customs of ancient times and so on. Now in the matter of Christians there is what is called the 'Canon Law'. The major portion of the Christians are Roman Catholics under the jurisdiction of the Pope, and there is what is called 'Canon Law'. I am not casting any slur on the legal knowledge of the non-Christian Judges of the Chief Court, when I say that there may be points in the 'Canon Law' which may not be cognisable to the non-Christian Judges. The implication contained in the law, the interpretation of the law, and there are so many applications in regard to this. If there is a Christian Judge in the Chief Court, the benefit of his know ledge as a Christian may be given to his brethren whenever such complicated question arises. I think it is for that reason.

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Mr. A. B. Salem.—On a point of information. May I know the Judges who decided the Church case and who appeared in the Church case?

Mr. M. Krishna Menon.— 2 Brahmin vakils.

President.—By two Hindu Judges.

Mr. A. B. Salem.—And who appeared on the other side?

President.—Hindu vakils.

Mr. O. R. Chummar.—Therefore 3 Judges held 3 different opinions.

Mr. S. F. Nunez.—Now, therefore, this is the basis in the Regulation that there should be a Christian Judge in the Chief Court. Now a time may come, and I am sure the time is not far off, when, owing to education and growth of progressive ideas, more and more Christians would be appointed to higher appointments, and without any privilege of this reservation normally a Christian Judge may be appointed in the Chief Court, and then it is high time that the law is repealed.

Mr. C. A. Kunjunni Raja.—All the three may be Christians. There is no objection.

Mr. S. F. Nunez.—My next point is that for the time being we have not reached that development. A few years we will have to wait. When I ask the Hon'ble Member for the Jenmies, I will not appeal in the spirit in which the Hon'ble Member for Chalakkudi appealed, simply because we are on the eve of a coming election. Therefore, I appeal to the good sense and charity of the Hon'ble Member for Jenmies to withdraw the Bill for the time being.

Dr. A. R. Menon.—Sir, I entirely appreciate the spirit in which it was delivered by my friend, the Member for Anglo-Indians, and I shall reciprocate the same spirit in dealing with this subject. Now, the question is in the Chief Court, where there are 3 Judges, whether one seat, which has been reserved for a special community, should be retained or should be abolished, or if it has to be abolished, has the time arrived for such a procedure, or are we to wait for some time. I know not how such a rule has come into force in this country alone. From the enquiries I have made, there is no Native State in the whole of India, or if there is, there are no provinces in British India, which, by force of statute, conferred this benefit upon any special community. Certainly by convention in many of the major British provinces, the Government see to it that a fair representation of the two major communities are properly represented, and if possible also the minor communities. Hence we see in Madras a number of Hindu Judges, Muhammadan Judges—not now, generally,—and now there is a Christian Judge also. But in

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British India in all the High Courts you see both Hindu and Muhammadans as Judges. But it should be remembered that the field of selection is wide, and there are competent men from both the communities. But my point is that the High Court should not be restricted in the matter of selection by any extraneous considerations of community in selecting the best and most suitable men for adorning the higher court in the land. The highest court in the land has the right to decide life and property and honour of the citizens. In a matter of such judicial importance, there should not be the least restraint or restriction on the part of the executive Government of His Highness the Maharaja in the matter of selecting people. Therefore, by this restriction, the Government is compelled sometimes to satisfy the statute and compelled to go outside the State to get Judges to fill this court. And I have nothing more to say. On the whole, we are happy that the administration of justice has been getting on a high level, which is a pride not only to this State but also the neighbouring States of Travancore and British India. I appeal to the Government and to this House that this communal consideration of helping one man for getting a few rupees in a month should not stand in the way of higher and grander consideration of seeing that justice is done between man and man, between community and community, by the ablest, the best and the most conscientious men that Government can procure. That is one reason why I support this motion. Now, Sir, a question may arise, as the point raised by the Hon'ble Member for Anglo-Indians, that what is just, what is right, may not be expedient, may not be consistent with public policy, at the time when we are discussing. The question of expediency is a matter which must in part rest with the Government. And I say that the Government must consider, after noting that the point we have raised is just and reasonable, whether a time-honoured custom can be changed, or if it can be changed, whether this is the proper time. That decision rests entirely with the Government and not with us. Now, I shall only give one or two points for the guidance of the Government, leaving the Government to decide the matter themselves. Now, Sir, in Travancore,—I always like to compare this Indian State—there was a Regulation that all the Tahsildars must be caste-Hindus, the reason being that the Tahsildar has not only to do the duties assigned to him as Tahsildar, but also to manage Devastanams, since the Devastanam could not be managed by a member of the Christian or Muhammadan community. To all intents and purposes, all the Tahsildars' posts were held by caste-Hindus. I

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consider it to be a vexatious case that such restrictions should be imposed, and a whole community should be deprived of their rights to enter public service. The Travancore Government has now changed the law, and now the Devasthanam is separated, and the door was opened to the Christian community. Then this point was not raised by the Hindus, or if they raised, it was a wrong point. Because it was our special privilege, we have enjoyed for so many years, an enjoyment based on an illegal assumption and a wrong conception of right and wrong. I say they did not raise this point then:—"Because we have enjoyed so many years a certain privilege, so shall we be allowed to enjoy it indefinitely." At a time, Sir, when even communal representation has come under the criticism of this House, and in British India the movement is gaining ground that communal representation must be put an end to, is it not very ugly on the part of these progressive Native States that it should retain these communal principles even in the matter of appointing Judges to the highest court in the land. These two considerations prompt me. The sooner the Government undertake this measure, and remove this communal tinge from the Chief Court, the better for all of us concerned. These are the considerations that have prompted me to support this measure, and as accepted I must entirely leave it to the Government after giving this example. One more point, Sir. Though there is no statutory law, it has been the custom from time immemorial both in Travancore and in Cochin that the Diwanship is held by a Hindu and a Hindu alone. But to-day in Travancore, it is held by a Christian gentleman, and Mr. Bhore occupied this place here with dignity for a matter of three years.

President.—Mr. Locke acted as Diwan, and Mr. Bhore was the permanent Diwan of this State for 5 years.

Dr. A. R. Menon.—I have not heard any complaint, and if such a complaint was raised, I can only say that it is the communal poison that prompted such a complaint. The Government must in all these matters act with a strong hand, without consideration to the Hindu, Muhammadan or Christian sentiments, and with one consideration and one consideration alone, whether the point that we have raised is right or wrong.

Mr. M. K. Raman.—First, when this discussion arose, it was not my object to take any part in it at all. But subsequently, when I observed the development of the discussion, I thought I would not be doing my duty if I were to sit quiet in this most important discussion. Sir, it has been remarked here that, for the purpose of looking after the interests of the Christian community which numbers about 27 per cent of the population, a

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Judge is necessary in the Chief Court, and that was one of the reasons for appointing a Christian Judge. Sir, I come from a community from which there has never been a Diwan in the Cochin State nor a Chief Court Judge nor the Head of a Department. May I ask, who is there in the Chief Court to work after the interests of the Tiyyahs who form 28 per cent of the total population?

President.—A District Judge there was, and he is the Head of a Department—Mr. Ayyakkutti.

Mr. M. K. Raman.—Is that so, Sir? Let it be so then. Anyhow, if you consider the percentage or numerical strength, I should think that my community can compete with any other community in the State. Still we never had a Chief Court Judge. It is high time that hereafter this privilege, which you have been giving others, should be given to us for some time to come at least. Let us also enjoy it for some time.

Mr. S. S. Koder.—Perfectly right.

Mr. M. K. Raman.—I am not jealous that the Christian community is enjoying a privilege. If you determine the number of appointments according to the percentage, you can give them one, give another to the Ezhuva community and one to the minorities. All the rest have enjoyed till now, and therefore, it is now our turn.

Mr. S. F. Nunez.—May I know if there is a separate law for the Ezhuvas as there is for Hindus and Muhammadans?

Mr. M. K. Raman.—Whatever may be the system of law, the Judges understand the law, and they can apply it correctly, irrespective of their caste. As has been pointed out by the Hon'ble Member for the Jews, in the Church case in which, although the canon law and various other laws had to be discussed, the case was conducted by Hindu vakils, and the case was decided also by Hindu Judges.

Mr. O. R. Chummar.—That is why the decision complicated the matter more.

Mr. M. K. Raman.—There is absolutely no difficulty on account of the nationality to which the Judge belongs.

Mr. S. F. Nunez.—I should like to know which is the case referred to.

Mr. M. K. Raman.—The Chaldean Syrian Church case.

Mr. S. F. Nunez.—Nestorians form a small minority. They have no separate law.

Mr. M. K. Raman.—Our Judges have enough training to understand any law. So, I don't think there will be any difficulty with regard to the administration of justice. But I want to point out, as I said in the very beginning, that I am not jealous that the Christians are enjoying a privilege. But I am

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sorry that we have no Judge from the Tiyyahs. I submit before this House that it is high time that you should reserve a place for the Ezhuvas. We are also 28 per cent. Simply because we are poor people, ignorant and timid people, incapable of demanding our rights, you should not deny the right to us. Let us also enjoy it.

Mr.N. Padmanabha Menon.—I propose the question be now put to votes.

Dr. A. R. Menon.—I second it.

(*The question of closing the discussion of the subject was put to the vote and was carried.*)

President.—Do you exercise your right of reply ?

Mr. C. A. Kunjunni Raja.—No, Sir.

(*The question of reading in Council the Bill to amend the Cochin Chief Court Regulation was put to the vote and was carried.*)

Dr. A. R. Menon.—Poll, Sir.

For.

1	Dr. A. G. Menon	7	Mr. N. Padmanabha Menon
2	Mr. E. Ikkanda Wariar	8	,, T. A. Ramachandra Ayyar
3	,, C. N. Ittiravi Nambudiri	9	,, M. K. Raman
4	,, S. S. Koder	10	,, K. Raman Menon
5	,, C. A. Kunjunni Raja	11	Dr. A. R. Menon
6	Sreemati T. Madhavi Amma	12	Mr. A. B. Salem

Against.

1	Mr. I. E. Ambooken	4	Mr. George Chakkyamuri
2	,, Chakko Cheruvattur	5	,, S. F. Nunez
3	,, O. R. Chummar	6	,, C. A. Ouseph

Neutral.

1	Mr. K. Achyuta Menon	9	Mr. I. Raman Menon
2	,, A. Eachara Menon	10	,, K. Sankaran Nambudiri
3	,, K. Govinda Menon	11	,, A. Sankara Puduval
4	Rao Sahib Mr. T. V. Kastu ri Ranga Ayyar	12	,, Sheik Abdul Qadir Sahib Bahadur
5	Mr. V. K. Kochunni Menon	13	,, V. B. Vaidyanatha Ayyar
6	,, K. Krishna Pisharodi	14	,, A. K. Venga Ayyar
7	,, M. Krishna Menon	15	Diwan Bahadur Dr. V. Verghese
8	,, T. K. Krishna Menon	16	Mr. C. Barton Wright

President.—How does it stand?

Mr. T. K. Krishna Menon. 12 for, 6 against and 16 neutrals.

Dr. A. R. Menon.—The largest number of neutrals !

Mr. O. R. Chummar.—The largest number is for no change.

Mr. N. Padmanabha Menon.—Change or no change they do not care.

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President.—We will rise for lunch now.

(*The House rose for lunch at 2 p. m. and reassembled at 3. p. m. when the Deputy President presided.*)

Deputy President.—What is next item of business?

Mr. N. Padmanabha Menon.—The second reading of the Bill.

Mr. C. A. Kunjunni Raja.—In deference to the wishes of the Members of the Party, to which I belong, although it is not a Party measure, especially two of the Christian Members, Messrs. Chakko and C. A. Ouseph, I do not proceed further with this Bill. Since I have introduced the Bill, and it has got to be carried to the next session, I would not request you to suspend the Standing Order in this connection.

The Cochin Cow Protection Bill.

Deputy President.—The next item of business is the Bill standing in the name of Mr. T. A. Ramachandra Ayyar.

Mr. T. A. Ramachandra Ayyar.—Since there is no probability of having another sitting of this Council, I do not wish to move the Bill.

(*Hence the Bill was considered withdrawn.*)

Resolutions on matters of general public interest.

1. *Liquor shops.*

(*Mr. K. T. Mathew being absent, the following resolution was considered withdrawn:*—

"*This Council recommends that no liquor shops shall be allowed to be kept open after 7 p. m. from the beginning of next year*".)

2. *Signboards.*

Deputy President.—The next item of business is the resolution standing in the name of Dr. A. G. Menon.

Dr. A. G. Menon.—Sir, I want just to bring to the notice of the President and the Council the difficulties of the travelling public. I do not want to make any long speech on this resolution. It is from my own experience gained when I first started from Palghat for the first meeting that led me to frame this resolution. Unfortunately for want of signboards, I had once actually gone to the Chalakkudi river, and since it was early morning, I could not get anybody to show me the way. I had to stop more than an hour.

On 18th Karkadagam 1101, I put the following question, whether the attention of the Government had been drawn to the difficulties experienced by travellers for want of signboards in

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